UNIVERSITY OF TORONTO LAW JOURNAL

Volume XLII, 1992

EDITOR Professor S.M. Waddams

BOOK REVIEW EDITOR Professor Alan Brudner/Professor Brian Langille

EDITORIAL BOARD

Professor I.F.G. Baxter
Professor J.M. Beattie
Professor D.M. Beatty
The Rt Hon. Brian Dickson, PC
Professor M.L. Friedland
Professor J.R.S. Prichard
Professor R.C.B. Risk
Professor C.J. Rogerson
Professor R.J. Sharpe
Professor K.E. Swinton
Professor M.J. Trebilcock
Professor E.J. Weinrib

University of Toronto LAW JOURNAL

CONTENTS volume XLII, 1992

ARTICLES

The efficiency of the common law: Sulphur dioxide emissions in Sudbury D.N. DEWEES with MICHAEL HALEWOOD 1

The *Morgentaler* judgment: Constitutional rights, legislative intention, and institutional design LORRAINE EISENSTAT WEINRIB 22

Section 1, Contextuality, and the Anti-Disadvantage Principle RUTH COLKER 77

Amending the Canadian Constitution: Lessons from Meech Lake KATHERINE SWINTON 139

Economic analysis of law and 'private ordering': A feminist critique WANDA A. WIEGERS 170

Protected interests and undertakings in the law of negligence STEPHEN R. PERRY 247

Formalism, positivism, and natural law in Ernest Weinrib's tort theory: Will the *real* Ernest Weinrib please come forward? GEORGE BRENCHER IV 318

Church property disputes: Some organizing principles M.H. OGILVIE 377

The operation of the royal pardon in Nova Scotia, 1749–1815 JIM PHILLIPS 401

Contractual allocations of unknown risks: A critique of the doctrine of commercial impracticability GEORGE G. TRIANTIS 450

The renewal of Quebec's distinct legal culture: The new *Civil Code of Québec* JOHN E.C. BRIERLEY 484

REVIEW ARTICLES

Liberalism, community, and culture MICHAEL MCDONALD 113

Of diligence and dice: Reconstituting Canada's Constitution LORRAINE EISENSTAT WEINRIB 207

Stop in the name of sense: Comment on David Beatty's *Talking Heads and the Supremes* RICHARD MOON 228

Liberalism, autonomy, and neutrality DAVID DYZENHAUS 354

Some hard questions about the hard cases question JOEL C. BAKAN 504

REVIEWS OF BOOKS

STEPHEN SUGARMAN: *Doing Away With Personal Injury Law: New Compensation Mechanisms for Victims, Consumers, and Business* MICHAEL J. TREBILCOCK 132

WILLIAM JANZEN: *Limits on Liberty: The Experience of Mennonite, Hutterite and Doukhobor Communities in Canada* M.H. OGILVIE 239

MICHEL ROSENFELD: *Affirmative Action and Justice: A Philosophical and Constitutional Inquiry* PAUL NORTON 517